

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOMINGO OROZCO, *et al.*,

Plaintiffs,

Case No. 21-cv-12823

Hon. Matthew F. Leitman

v.

FCA US, LLC,

Defendant.

/

**ORDER GRANTING PLAINTIFFS LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On December 3, 2021, Plaintiffs Domingo Orozco and others filed this breach of warranty action against Defendant FCA US, LLC (“Chrysler”). (*See* Compl., ECF No. 1.) Plaintiffs allege, among other things, that the aluminum body panels on their Chrysler vehicles have corroded in violation of Chrysler’s express warranties. (*See id.*)

On February 11, 2022, Chrysler filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 7.) One of Chrysler’s bases for dismissal is that Plaintiffs have failed to plead sufficient facts to state viable claims under the Supreme Court’s decisions in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). (*See id.*, PageID.101, 106-108, 111-113.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Plaintiffs the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in their claims identified by Chrysler in the motion to dismiss. The Court does not anticipate allowing Plaintiffs another opportunity to amend to add factual allegations that they could now include in their First Amended Complaint. Simply put, this is Plaintiffs' opportunity to allege any and all additional facts, currently known to them, that may cure the alleged deficiencies in their claims.

By **March 4, 2022**, Plaintiffs shall file a notice on the docket in this action notifying the Court and Chrysler whether they will amend the Complaint. If Plaintiffs provide notice that they will be filing a First Amended Complaint, they shall file that amended pleading by no later than **March 18, 2022**. In addition, if Plaintiffs provide notice that they will be filing a First Amended Complaint, the Court will terminate without prejudice Chrysler's currently-pending motion to dismiss as moot. Chrysler may re-file its motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

Dated: February 22, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 22, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126